HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

W.P.No.20687 of 1997

Dated 7th day of February, 2007

Between:

Maganti Atchabbai .. Petitioner

And

The Revenue Divisional Officer, Rampachodavaram, East Godavari District and two others .. Respondents

O R D E R:

This writ petition is filed seeking a mandamus to declare the action of the 1st respondent in issuing the proceedings No.B/2594/97 dated 17.7.1997 as illegal and arbitrary and consequently direct the respondents not to interfere with the possession and enjoyment of the petitioner over an extent of Ac.9.04 cents of land in S.No.6/2 situated at Kotha Ramavaram village Gangavaram Mandal.

The brief facts of the case are that the petitioner is the owner of an extent of Ac.9.04 cents of land in S.No.6/2 situated at Kotha Ramavaram village, which is the ancestral property of his father Ramachandrudu. After the death of his father, he has been cultivating it and paying land revenue to the Government regularly. Now, the grievance of the petitioner is that the 1st respondent issued the impugned proceedings at the instance of the third respondent, who is falsely claiming the land in question under a Will Deed dated 3.7.1988 and the 1st respondent is trying to take coercive steps and preventing him from entering the land in question.

Heard the learned counsel for both the parties.

From the facts narrated in the affidavit filed in support of the writ petition and the counter affidavit of the respondents 1 and 2, this Court is of the view that the matter is purely civil in nature where title is to be decided, for which, the remedy, in my considered view, is to approach a competent civil Court, which decides the rights over the land in question. That apart, in the counter, it is stated that there is a provision of right of appeal before an Agent to the Government and the Collector, but the petitioner, instead of preferring an appeal as may be available under law, has approached this Court in haste and is questioning the impugned order.

Having regard to the fact that there is a right of appeal, the petitioner is hereby directed to approach the appellate authority and prefer an appeal within a period of six weeks from the date of receipt of a copy of this order and the competent authority shall consider the same and pass appropriate orders in accordance with law. This Court, while ordering rule nisi, was pleased to suspend the impugned order and this suspension shall continue during the pendency of the appeal.

With the above direction, the writ petition is disposed of. No costs.

_____

07.02.2007

bcj